

United States Bankruptcy Court

Southern District Of New York

In re Elizabeth Jane Hess
Aka Liza Hess

Debtor

) Case No. 08-14016 MG

Address 120 W. 105th Street, Apt. 4G
New York, NY 10025

) Chapter 13

Employer's Tax Identification (EIN) No(s). [if any]: _____

Last four digits of Social Security No(s): xxx-xx-1599

FILED
U.S. BANKRUPTCY COURT
2009 MAR 30 P 3:11
S.D. OF N.Y.

NOTICE OF MOTION TO DISALLOW CLAIMS

Elizabeth Jane Hess has filed papers with the court to DISALLOW CLAIMS

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to DISALLOW CLAIM or if you want the court to consider your views on the motion, then on or before APRIL 20, 2009, you or your attorney must:

[File with the court a written request for a hearing {or, if the court requires a written response, an answer, explaining your position} at:

One Bowling Green, New York, NY 10004

If you mail your {request}{response} to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to:

Elizabeth Jane Hess, 120 W. 105th Street, Apt 4G, New York, NY 10025

[Attend the hearing scheduled to be held on APRIL 23, 2009, at 10:00 AM a.m./p.m. in Courtroom 501, United States Bankruptcy Court, One Bowling Green, New York, NY 10004

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: 3/20/09 Signature: Elizabeth J. Hess
Name: Elizabeth Jane Hess, Address: 120 W. 105th street, Apt. 4G, New York, NY 10025

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
IN RE:

Chapter 13
Case No. 08-14016 MG

ELIZABETH JANE HESS,
Aka Liza Hess

DEBTORS AFFIDAVIT

Debtor

-----X
STATE OF NEW YORK
COUNTY OF NEW YORK

Ss: xxx-xx-1599

MOTION TO DISALLOW CLAIMS

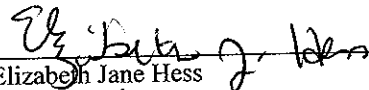
Elizabeth Jane Hess affirms that:

1. She is the Debtor in the above captioned case
2. Debtor is representing herself pro se
3. Debtor filed a Chapter 7 proceeding on October 14th, 2008, which case was thereafter converted to Chapter 13 on December 19th, 2008
4. The Debtor wishes to file objection to the proofs of claim, claim Numbers 2 and 3 submitted by LVNV Funding LLC aka Resurgent ("Creditor")
5. Both claims, Number 2 and 3, in the amounts of \$696.25 and \$392.41 respectively were charged off by the original creditors in 1993 and 1994.
6. Debtor is objecting to said claims pursuant to N. Y. Civil Practice Law and Rules Article 213 wherein the Creditor's claim was incurred more than six years prior to commencement of this Chapter 13 proceeding,

and thus falls outside of the time limits per the statute of limitations for debt collection.

7. Debtor seeks to exclude said claims from this Chapter 13 plan.
8. Debtor contacted Creditor on March 27, 2009 and was informed that above claims which were filed on 1/13/2009 were subsequently sold off to a third party, Capital Recovery.
9. Debtor contacted Capital Recovery on March 27, 2009 and confirmed that above claims were too old to be included in the bankruptcy proceeding.

WHEREFORE, the Debtor respectfully seeks the relief of disallowing these claims in the bankruptcy proceeding and that an order be signed to this affect.


Elizabeth Jane Hess
120 W. 105th Street, #4G
New York, NY 10025

CASE NUMBER	0814016	CASE STATUS	PENDING	DATE CONFIRMED	N/A
DEBTOR 1 NAME	ELIZABETH JANE HESS	TRUSTEE NAME	JEFFREY L. SAPIR	DATE CLOSED	N/A
DEBTOR 2 NAME		TRUSTEE CITY	WHITE PLAINS, NY	LAST RECEIPT DATE	2/23/2009


Listing of Claims

Claim Number	Creditor Name	Claim Description	Flag Code	DSO Claim	% Of Claim Paid	Claim Amount	Principal Paid	Interest Paid	Scheduled Amount	Principal Owed	Monthly Payment	Interest Rate
001	INTERNAL REVENUE SERVICE	SECURED			32.02%	\$38,236.05	\$0.00	\$0.00	\$38,236.05	\$12,244.15	\$0.00	0%
002	LVNV FUNDING, LLC	UNSECURED			32.02%	\$696.25	\$0.00	\$0.00	\$696.25	\$222.96	\$0.00	0%
003	LVNV FUNDING, LLC	UNSECURED			32.02%	\$392.41	\$0.00	\$0.00	\$392.41	\$125.66	\$0.00	0%
004	GMAC	UNSECURED			32.02%	\$33,356.08	\$0.00	\$0.00	\$33,356.08	\$10,681.46	\$0.00	0%
005	TRIAD FINANCIAL CORPORATION	SECURED MORTGAGE			32.02%	\$574.05	\$0.00	\$0.00	\$574.05	\$574.05	\$0.00	0%
006	GMAC, LLC	SECURED			32.02%	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%
007	JEFFERSON CAPITAL SYSTEM	UNSECURED			32.02%	\$954.20	\$0.00	\$0.00	\$954.20	\$305.56	\$0.00	0%
008	LESLIE MARTIN SHAMIS, ESQ.	SECURED			32.02%	\$1,832.50	\$0.00	\$0.00	\$1,832.50	\$586.81	\$0.00	0%
009	JEFFERSON CAPITAL SYSTEM	UNSECURED			32.02%	\$685.95	\$0.00	\$0.00	\$685.95	\$219.66	\$0.00	0%
010	PEOPLES GAS LIGHT & COKE CO	UNSECURED			32.02%	\$575.10	\$0.00	\$0.00	\$575.10	\$184.16	\$0.00	0%
011	CITY OF NEW YORK	UNSECURED			32.02%	\$904.12	\$0.00	\$0.00	\$904.12	\$289.52	\$0.00	0%
Totals	11 CLAIMS											

I hereby certify that on _____, 2009 I served true copies of Debtor's
MOTION DISALLOW CLAIM and Notice of Motion on the following parties by first-
class mail:

LVNV Funding LLC
c/o Resurgent Capital Services
P.O. Box 10587
Greenville, SC 29603

Jeffrey Sapir, Esq,
Standing Chapter 13 Trustee in SDNY
399 Knollwood Road,
Suite 102,
White Plains, NY 10603


Elizabeth Jane Hess
120 W. 105th Street, #4G
New York, NY 10025